

011604

22764 U.S. PTO

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PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

17302 U.S. PTO  
10/758721

011604

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

83928

First Inventor

Padilla, Rudy S. et al.

Title

Optical Modulator

Express Mail Label No.

EE676641221US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 22]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. Oath or Declaration [Total Sheets \_\_\_\_\_]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner \_\_\_\_\_

Art Unit: \_\_\_\_\_

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS



Customer Number:

32697

OR ☐

Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Celia C. Dunham

Registration No. (Attorney/Agent)

49041

Signature

Celia C. Dunham

Date

January 16, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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22704 U.S. PTO

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 810.00)

**Complete if Known**

Application Number

Filing Date

First Named Inventor

Padilla, Rudy S. et al.

Examiner Name

Art Unit

Attorney Docket No.

83928

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0847

SPAWARSSYSCEN SAN DIEGO

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity<br>Fee Code | Small Entity<br>Fee Code | Fee Description        | Fee Paid    |
|--------------------------|--------------------------|------------------------|-------------|
| 1001 770                 | 2001 385                 | Utility filing fee     | 770.00      |
| 1002 340                 | 2002 170                 | Design filing fee      |             |
| 1003 530                 | 2003 265                 | Plant filing fee       |             |
| 1004 770                 | 2004 385                 | Reissue filing fee     |             |
| 1005 160                 | 2005 80                  | Provisional filing fee |             |
| SUBTOTAL (1)             |                          |                        | (\$ 770.00) |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20                 | -20** = 0    | 0              | 0        |
| 4                  | -3** = 1     | 86             | 86       |
| Multiple Dependent |              |                | 0        |

| Large Entity<br>Fee Code | Small Entity<br>Fee Code | Fee Description  |
|--------------------------|--------------------------|--|
| 1202 18                  | 2202 9                   | Claims in excess of 20                                     |
| 1201 86                  | 2201 43                  | Independent claims in excess of 3                          |
| 1203 290                 | 2203 145                 | Multiple dependent claim, if not paid                      |
| 1204 86                  | 2204 43                  | ** Reissue independent claims over original patent         |
| 1205 18                  | 2205 9                   | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 86.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code    | Fee (\$) | Fee Code    | Fee (\$) | Fee Description  | Fee Paid |
|-------------|----------|-------------|----------|--|----------|
| 1051 130    |          | 2051 65     |          | Surcharge - late filing fee or oath  |          |
| 1052 50     |          | 2052 25     |          | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130    |          | 1053 130    |          | Non-English specification  |          |
| 1812 2,520  |          | 1812 2,520  |          | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*   |          | 1804 920*   |          | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840* |          | 1805 1,840* |          | Requesting publication of SIR after Examiner action                        |          |
| 1251 110    |          | 2251 55     |          | Extension for reply within first month                                     |          |
| 1252 420    |          | 2252 210    |          | Extension for reply within second month                                    |          |
| 1253 950    |          | 2253 475    |          | Extension for reply within third month                                     |          |
| 1254 1,480  |          | 2254 740    |          | Extension for reply within fourth month                                    |          |
| 1255 2,010  |          | 2255 1,005  |          | Extension for reply within fifth month                                     |          |
| 1401 330    |          | 2401 165    |          | Notice of Appeal   |          |
| 1402 330    |          | 2402 165    |          | Filing a brief in support of an appeal                                     |          |
| 1403 290    |          | 2403 145    |          | Request for oral hearing   |          |
| 1451 1,510  |          | 1451 1,510  |          | Petition to institute a public use proceeding                              |          |
| 1452 110    |          | 2452 55     |          | Petition to revive - unavoidable   |          |
| 1453 1,330  |          | 2453 665    |          | Petition to revive - unintentional   |          |
| 1501 1,330  |          | 2501 665    |          | Utility issue fee (or reissue)   |          |
| 1502 480    |          | 2502 240    |          | Design issue fee   |          |
| 1503 640    |          | 2503 320    |          | Plant issue fee  |          |
| 1460 130    |          | 1460 130    |          | Petitions to the Commissioner  |          |
| 1807 50     |          | 1807 50     |          | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180    |          | 1806 180    |          | Submission of Information Disclosure Stmt                                  |          |
| 8021 40     |          | 8021 40     |          | Recording each patent assignment per property (times number of properties) | 40.00    |
| 1809 770    |          | 2809 385    |          | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770    |          | 2810 385    |          | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770    |          | 2801 385    |          | Request for Continued Examination (RCE)                                    |          |
| 1802 900    |          | 1802 900    |          | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

**SUBMITTED BY**

(Complete (if applicable))

|                   |                 |                                   |                  |           |              |
|-------------------|-----------------|-----------------------------------|------------------|-----------|--------------|
| Name (Print/Type) | Celia C. Dunham | Registration No. (Attorney/Agent) | 49041            | Telephone | 619-767-4168 |
| Signature         | Celia C. Dunham | Date                              | January 16, 2004 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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|   |                     |                   |                        |
|---|---------------------|-------------------|------------------------|
| <b>NONPUBLICATION REQUEST<br/>UNDER<br/>35 U.S.C. 122(b)(2)(B)(i)</b> | First Name Inventor |                   | Rudy S. Padilla et al. |
|   | Title               | Optical Modulator |                        |
|   | Atty Docket Number  |                   | 83928                  |

I hereby certify that the invention disclose in the attached application **has not and will not be** the subject of an application filed in anther country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

16 Jan 2004

Date

Celia C. Dunham

Signature

Celia C. Dunham, Reg No. 49041

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another county, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing with forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**